

Mr. Jerney Jones  
7065 Hillcrest Chase Lane  
Austell, GA 30168

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

MAR 08 2011

JAMES N. HATTEN, Clerk  
By: [Signature] Deputy Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

CITIMORTGAGE, INC,  
  
Plaintiff,  
  
vs.  
  
JEREMY JONES, PRO SE  
  
Defendant

) Case No.:

**1 11-CV-0719**

**-MHS**

NOTICE OF REMOVAL OF CIVIL ACTION  
FROM THE STATE COURT OF COBB COUNTY,  
GEORGIA

COME NOW Jeremy Jones, Defendant/Counterclaim Plaintiff, pro se and file this Notice of Removal, pursuant to 28 U.S.C. 1441 and 1446, of that certain action know as CITIMORTGAGE, INC vs. JEREMY JONES Civil Action Number 11-E-01711, from the State Court of COBB COUNTY District (hereinafter, the "state court action") to this Court, respectfully showing the Court as follows:

PRELIMINARY STATEMENT

1. On or about February 18, 2011, Plaintiff CITIMORTGAGE, Inc allegedly served a copy of the Unlawful Detainer in the state court action, according to the Certificate of Service. True and accurate copies of all plieadings filed to date in the state court action are collectively attached hereto as Exhibit "A".
2. Defendant Jones give notice that the civil action is an action governed by Federal law and is hereby removed to this Court pursuant to Defendants' right of removal under 28 U.S.C. 1441.
3. Plaintiff is in violation of the "Protecting Tenants at Foreclosure Act of 2009, signed by President Obama on or about May 20, 2009.

- 1 4. Plaintiff's Complaint asserts claims alleging that Defendant Jones,  
2 inter alia, Unlawful Detainer and that CitiMortgage Inc is the owner  
3 of Defendants Property. This action, therefore, involves questions of  
4 federal law over which this Court has concurrent jurisdiction pursuant  
5 to 28 U.S.C. 1331, and it is thus removable by the Defendant pursuant  
6 to 28 U.S.C. 1441 and 1446.
- 7 5. This Court has supplemental jurisdiction over the Plaintiff's state  
8 law claims pursuant to 28 U.S.C. 1367 and Protecting Tenants at  
9 Foreclosure Act of 2009, signed into law by President Obama on May 20,  
10 2009.
- 11 6. This Notice of Removal is being filed in accordance with 28 U.S.C.  
12 1446 and Federal Rule of Civil Procedure 81©. In compliance with 28  
13 U.S.C. 1446(d), Defendant Jones is, contemporaneously herewith, filing  
14 a copy of this Notice of Removal with the Clerk of the State Court of  
15 COBB COUNTY District.
- 16 7. Venue is proper in this Court for purposes of removal under 28 U.S.C.  
17 1446(a), but not necessarily for purposes of 28 U.S.C. 1391 or any  
18 other applicable venue provision. By filing this Notice of Removal,  
19 Defendant Jones do not waive any of their jurisdictional objections or  
20 affirmative defenses.
- 21 8. This notice of removal is filed within thirty 30 days after alleged  
22 service of the Complaint and Unlawful Detainer and is timely under 28  
23 U.S.C. 1446(b).
- 24 WHEREFORE, for the foregoing reasons, federal jurisdiction exists  
25 pursuant to 28 U.S.C. 1331 and removal is appropriate pursuant to 28  
26

1 U.S.C. 1441. Defendant request that this civil action proceed in this  
2 Court as an action properly removed, that this Court enter the  
3 appropriate orders to affect the removal of this case from the State  
4 Court of Cobb County District and that no further proceedings be had  
5 in said case in the State Court of Cobb County District.

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7 Respectfully submitted this 08<sup>th</sup> day of March, 2011.  
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11 JEREMY JONES, PRO SE  
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